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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/308,314	05/13/99	BANDEMER	J 3446US

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866 UNITED NATIONS PLAZA
SUITE 473
NEW YORK NY 10017

IM22/0314

EXAMINER

GRAHAM, G

ART UNIT

PAPER NUMBER

1744

DATE MAILED:

03/14/01

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Please find below and/or attached an Office communication concerning this application r proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/308,314

Applicant(s)
BANDEMER ET AL

Examiner
Gary K. Graham

Group Art Unit
1744



☒ Responsive to communication(s) filed on Jan 24, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) 4, 7-12, and 18-24 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 5, 6, 13-17, and 25-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

DETAILED ACTION

Claim Numbering

The numbering of the claims is improper since there are two claims numbered 23 (See 37 C.F.R. 1.126). Accordingly, the second claim 23 and claims 24-26 have been renumbered as claims 24-27, respectively.

Election/Restriction

Applicant's election without traverse of the species of figure 5 in Paper No. 5 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit:

Claims 1-3, 5, 6, 13-17 and 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, use of "in particular" is vague and indefinite since it is not clear exactly what is claimed from such language.

In claim 6, line 3, use of parentheses about "resistance wire 15" appears improper. Is the wire being claimed or not? In line 4, use of "and/or" is alternative and indefinite. It cannot be determined from such language exactly what is being claimed.

In claim 16, line 3, there is no antecedent basis for "the injection molding method".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 14, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Molari '375.

Art Unit:

The patent to Molari discloses the invention as is claimed, including washing arm (3) for movement over shield (L) at a distance therefrom. The washing arm has washing nozzles (6,7) therein for supplying fluid to said shield. A fluid motor (2) drives said arm over the shield. With respect to claim 5, note valve (10). With respect to claim 26, since the device of Molari is switched to spray as it moves from start to end over the entire sweeping motion, such is considered to be a control device.

Claims 1, 13, 15, 16, 17 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Epple et al '464.

The patent to Epple discloses the invention as is claimed, including plastic washing arm (2) for movement up and over shield (15') at a distance therefrom. The washing arm has a washing nozzle (7) thereon for supplying fluid to said shield. A drive motor (not shown but disclosed) drives said arm out and up over the shield. With respect to claim 13, note push rod (2b). With respect to claim 15, note cover (16) to close the opening (20) from which the arm extends. With respect to claim 16, the particular method in which the arm is produced does not affect the final product and is not of patentable significance in the product claim. With respect to claim 26, since the device of Epple is switched such that the arm is driven out of the rest position into the operating setting and back again, such is considered to meet the control device limitation.

Art Unit:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Molari '375 or Eppele et al '464 in view of Japanese publication 61261151.

The patents to Molari or Eppele disclose all of the above recited subject matter with the exception of the nozzles being "fluidic nozzles" which oscillate.

The Japanese publication discloses a fluidic nozzle that produces an oscillating spray pattern.

Art Unit:

It would have been obvious to one of skill in the art to provide the devices of Molari or Epple with fluidic nozzles, as taught by the Japanese publication, to provide increased spray coverage as well as increased cleansing action. To provide such oscillation transverse to the direction of movement of the washing arm appears obvious such that the entire shield receives spray. Otherwise, the shield would only be partially cleaned.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epple et al '446 in view of Keen et al '424.

The patent to Epple discloses all of the above recited subject matter, including electric heating of the fluid duct or nozzle, with the exception of the electric heating for the fluid duct or nozzle being resistance wire heating.

The patent to Keen discloses the use of resistance wire heating (86) to heat the nozzle (70). It should be noted that use of resistance wire heating to heat both nozzles and supply lines is notoriously well known.

It would have been obvious to one of skill in the art to provide the electric heating of Epple as resistance heating, as clearly suggested by Keen, to provide instant and direct heating where needed.

Art Unit:

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epple et al '446 in view of Edwards '337.

The patent to Epple discloses all of the above recited subject matter with the exception of the pump for selectively supplying the fluid to either the front windshield of the automobile or the light shields of the automobile.

The patent to Edwards discloses a wiper assembly wherein pump (16) selectively conveys fluid via a valve (25) in one of two directions. One direction is to the windshield (11) via nozzles (18) and the other direction is to the shields (12) of the lights via nozzles (20).

It would have been obvious to one of skill in the art to provide the system of Epple with fluid pump assembly, as clearly suggested by Edwards, to enable both the windshield and the headlights to be cleaned through the use of a single pump.

Art Unit:

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Gary K. Graham at 703-308-1270. The Examiner's fax number is 703-872-9546. The fax phone number for this Group is (703) 305-7719. The Examiner can normally be reached Tuesday through Friday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.



GARY K. GRAHAM
PRIMARY EXAMINER
GROUP 1700

March 11, 2001
GKG